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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,485	11/27/2001	Krishna Sundaresan	081862.P255	2692

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Robert B. O'Rourke
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

SHAND, ROBERTA A

ART UNIT	PAPER NUMBER
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2616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/996,485

Applicant(s)

SUNDARESAN ET AL.

Examiner

Roberta A. Shand

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9-21-2006</u> | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-11 are rejected under 35 U.S.C. 101 because independent claim 1 lacks evidence of practical results. There is no indication of the practical application of the claimed invention.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4, 10, 11-13, 15, 23, 24, 26, 32-35 and 37 are rejected under 35

U.S.C. 102(e) as being anticipated by Shabtay (U.S. 6895441 B1).

3. Regarding claim 1, Shabtay teaches (fig. 8) a method comprising issuing PTSE information from a node the PTSE information having SIG information that describes bandwidth (80), which has been allocated to specific priority levels (col. 13, lines 35 –37) of a bandwidth resource within an ATM PNNI (col. 3, line 65 - col. 4, line 3) network.

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4. Regarding claims 2, 13, 24 and 35, Shabtay teaches (col. 13, lines 35 - 37) the bandwidth resource is the bandwidth of a link that resides within the ATM PNNI network (col. 3, line 65 - col. 4, line 3).

5. Regarding claims 4, 15, 26 and 37, Shabtay teaches (col. 13, lines 35 - 47) the bandwidth resource is a portion of the bandwidth of a link that resides within the ATM PNNI network.

6. Regarding claims 10 and 32, Shabtay teaches (fig. 8) repeatedly issuing in a periodic fashion. Shabtay teaches issuing the bandwidth information when a connection is needed.

7. Regarding claims 11 and 33, Shabtay teaches (fig. 8) issuing upon a change in the bandwidth's allocation to the priority levels. It is inherent in Shabtay's system that the issue will be made upon change in priority level.

8. Regarding claim 12, Shabtay teaches (fig. 8) a method comprising: updating an understanding of an ATM PNNI (col. 3, line 65 - col. 4, line 3) network after reception of PTSE information having SIG information that describes bandwidth (80) which has been allocated to specific priority levels of a bandwidth resource within the network (col. 13, lines 35-37); determining a path through the network (84, 96) for a requested connection the path determined in light of the updated understanding, the requested connection having a priority level, wherein the path may result in one or more connections being dropped in order to allow bandwidth for the requested connection (col. 13, line 35 - col. 14, line 44).

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9. Regarding claim 23, Shabtay teaches (fig. 8) a machine readable medium comprising preparing PTSE information from a node the PTSE information having SIG information that describes bandwidth (80) which has been allocated to specific priority levels (col. 13, lines 35-37) of a bandwidth resource within an ATM PNNI (col. 3, line 65 - col. 4, line 3) network.

10. Regarding claim 34, Shabtay teaches (fig. 8) a machine readable medium comprising: updating an understanding of an ATM PNNI (col. 3, line 65 - col. 4, line 3) network after reception of PTSE information having SIG information that describes bandwidth (80) which has been allocated to specific priority levels of a bandwidth resource within the network (col. 13, lines 35-37); determining a path through the network (84, 96) for a requested connection the path determined in light of the updated understanding, the requested connection having a priority level, wherein the path may result in one or more connections being dropped in order to allow bandwidth for the requested connection (col. 13, line 35 - col. 14, line 44).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 3, 5, 14, 16, 25, 27, 36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shabtay in view of Dolganow (U.S. 2002/0124106 A1).

13. Shabtay does not teach Horizontal Link PTSE.

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14. Dolganow teaches (page 5, paragraphs 61-62) Horizontal Link PTSE. It would have been obvious to one of ordinary skill in the art to adapt this to Shabtay's system as it is well known in the art when communicating advertising new available bandwidth.

15. Claims 6-9, 17-22, 28-31 and 39-43, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shabtay in view of St-Amand.

16. Regarding claims 6-9, 17-20, 28-31 and 39-42, Shabtay does not teach CBR VBR, ABR and UBR.

17. St-Amand teaches (col. 1, lines 37-50) CBR VBR, ABR and UBR. It would have been obvious to one of ordinary skill in the art to adapt this to Shabtay's system as it is well known in the art of ATM networks quality of service.

18. Regarding claims 21 and 43, St-Amand teaches (col. 14, lines 44-52) issuing a SETUP message in order to establish the path through the network for the requested connection.

19. Regarding claim 22, St-Amand teaches (col. 14, lines 33-43) receiving the SETUP message and returning a CONNECT message in response.

Response to Arguments

20. Applicant's arguments with respect to claims 1-43 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A Shand whose telephone number is 571-272-3161. The examiner can normally be reached on M-F 9:00am-5:30pm.

22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

23. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RS

Roberta A Shand
Examiner
Art Unit 2616



STEVEN NGUYEN
PRIMARY EXAMINER